

## REMARKS

Before addressing the Office Action, Applicant brings to the attention of the Examiner an Information Disclosure Statement (“IDS”) which was filed on August 17, 2004. Since the IDS was filed prior to the mailing of the First Office Action, Applicant requests that the Examiner consider this IDS and return the citation form with the appropriate notations made thereon with the next Office correspondence. If the Examiner has not received the IDS, the Examiner should contact the undersigned agent and he will provide a copy of the IDS, citation form, and evidence that the IDS was filed on August 17, 2004.

In the Office Action (“OA”), the Examiner objected to the title as not being descriptive. In response, Applicant amends the title to read --MOBILE NEWS GATHERING SYSTEM AND NEWS DELIVERY SYSTEM AND METHOD THEROF--. Accordingly, the objection to the title should be withdrawn.

Additionally, the Examiner rejected claims 1-3 as unpatentable over Quintana et al., U.S. Patent No. 6,522,531, (“*Quintana*”) in view of Brassil, U.S. Patent Publication No. 2002/0107940, (“*Brassil*”). The rejection of claim 2 has been rendered moot by the cancellation of claim 2 without prejudice or disclaimer of the subject matter thereof.

With regard to claims 1 and 3, the rejection of claims 1-3 under section 103(a) is improper because a *prima facie* case of obviousness cannot be established for claims 1 and 3. More particularly, a *prima facie* case of obviousness cannot be established because *Quintana* and *Brassil* fail to teach all the elements of the claims.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest

all the claim elements. Furthermore, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03, ed. 8, rev. 2, 2100-133 (May 2004) (quoting *In re Wilson*, 424 F.2d 1382, 1385 (C.C.P.A. 1970)). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. M.P.E.P. § 2143.01 at pp. 2100-129 to 132. Third, there must be a reasonable expectation of success. M.P.E.P. § 2143.02 at pp. 2100-132 to 133.

Claim 1 is directed to an electronic news gathering system comprising a combination of elements including, *inter alia*, “a wearable computer, containing all the essential elements of a computer and capable of being operated hands-free … [and] a microphone supporting command and control to operate the wearable computer.”

The Examiner alleged that *Quintana* discloses an electronic new gathering system including a wearable computer. (OA at p. 2.) *Quintana* is directed to an apparatus for using a wearable computer 300. *Quintana*, Fig. 1. Nonetheless, *Quintana* does not disclose that the wearable computer is capable of being used hands free. Specifically, *Quintana* discloses that wearable computer 300 includes a display which can be utilized for mouse functions with a stylus pen. *Quintana*, col. 4, ll. 54-60. Thus, *Quintana* fails to disclose at least “a wearable computer, containing all the essential elements of a computer and capable of being operated hands-free,” as recited in claim 1.

Moreover, *Quintana* discloses that a microphone is attached to the wearable computer and that the microphone would facilitate use of voice recognition software. *Quintana*, col. 5, ll. 65-66. *Quintana*, however, does not disclose that the microphone

would support command and control. Therefore, *Quintana* fails to disclose at least “a microphone supporting command and control to operate the wearable computer,” as recited in claim 1.

Further, *Brassil* fails to disclose these claim elements. *Brassil* discloses a system for delivering program timing, structure, and identity information in media streams, but does not disclose using a wearable computer. Therefore, *Brassil* fail to disclose at least “a wearable computer, containing all the essential elements of a computer and capable of being operated hands-free … [and] a microphone supporting command and control to operate the wearable computer,” as recited in claim 1.

Since *Quintana* and *Brassil* fail to teach all the elements of claim 1, a *prima facie* case of obviousness cannot be established for claim 1. Accordingly, the rejection of claim 1 under section 103 should be withdrawn.

Claim 3 is directed to a method of electronic news gathering comprising a combination of elements including, *inter alia*, “supporting a user-supported computer on the body of a person, wherein said computer possesses a body-worn video recording means and a body worn audio recording means; operating the user-supported computer hands-free.”

As mentioned above, *Quintana* does not disclose that wearable computer 300 is capable of being used hands free. Specifically, *Quintana* discloses that wearable computer 300 includes a display which can be utilized for mouse function with a stylus pen. *Quintana*, col. 4, ll. 54-60. Moreover, *Brassil* fails to disclose a wearable computer. Therefore, *Quintana* and *Brassil* fail to teach at least “supporting a user-supported computer on the body of a person, wherein said computer possesses a body-worn video

recording means and a body worn audio recording means; operating the user-supported computer hands-free," as recited in claim 3. Since *Quintana* and *Brassil* fail to teach all the elements of claim 3, a *prima facie* case of obviousness cannot be established for claim 3. Accordingly, the rejection of claim 3 under section 103 should be withdrawn.

Applicant adds new claims 4-8 to protect additional aspects related to the present invention. Claim 4 is directed to electronic news audio and video coverage system comprising a combination of elements including, *inter alia*, "a user supported computer, a user supported display . . . a user supported hands-free video camera in communication with said display and said computer . . . wherein said computer, display and video camera are all user supported and have means for hands-free operation." Claims 5-8 depend from claim 4.

As mentioned above, neither *Quintana* nor *Brassil* disclose a wearable computer is capable of being used hands free. Accordingly, claims 4-8 are patentable over *Quintana* and *Brassil* for at least this reason.

For at least mentioned above, Applicant submits that the rejections of the pending claims are improper and should be withdrawn. Applicant submits that the present claims are in condition for allowance and request reconsideration and allowance of the pending claims.

Respectfully submitted,



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